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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,667	03/21/2001	Sharon Marie Lee	041-509-L	3631

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EXAMINER	
SHAAWAT, MUSSA	
ART UNIT	**PAPER NUMBER**
2128	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/813,667	LEE ET AL.	
	Examiner	Art Unit	
	Mussa A. Shaawat	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on October 25, 2004. Claims 1-6 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabekode V. Bhat US Patent No. (5,668,995) referred to hereinafter as Bhat.

As per claim 1, Bhat teaches a method for developing an optimized solution for a server farm and associated modules which would be most suitable for the customer, and wherein certain factors are developed which include (i) the customer's sizing requirements which indicate the number of servers which may be required and their availability levels which indicate the percentage of the operating "on" time predicted for each server (see col4 lines 45-50 "calculation of the total amount of disk space ... the size of disk drivers" calculates the number of disk drives and processors to accommodate the users sizing requirements); (ii) the physical site location of each server farm according to its locational address; (iii) the total number of users at each locational site (see col.4 lines 31-43); (iv) the concurrent number of users at each site that are operating at a given period of time (see col.4 lines 31-43, number of users); (v)

the working types and number of users operating at each site (see col.4 lines 40-42, usage service time per user); (vi) the types of application programs that will be used by each type of working user (see col.1 lines 44-47, understanding the requirements of the customer's application and performance of the application system); (vii) specifying the number of concurrent users as their user-type in relationship to their use of each application type (see col.3 lines 1-6, "accepts information regarding the customer's application, ... suggests an optimum configuration of a multiprocessor computer system as a solution"); a method for configuring a server farm network comprising the steps of:

(a) Establishing on a Windows screen, a configuration session between the designer and the customer in order to develop the customer's sizing requirements, see Bhat (col.2 lines 44-58,interactive computer implemented tool that is fast and easy to use i.e. establishing a window screen for the customer, also see col. 3lines 1-5, where the customers interacts with the computer tool that will accept the customer's sizing requirement).

(b) Generating a display report, which will recommend the optimum server configuration and other necessary information to optimize the customer's requirements, see Bhat (see col.5 lines 62-67, where a detailed output report provides the recommended model of the server configuration i.e. recommending the optimum server configuration for the customer).

As per claim 2, Bhat teaches a method of claim 1 wherein step (a) of said configuration session includes the steps of:

(a1) establishing on a Windows screen, the physical site locations where a server Farm containing terminal servers will be located, see Bhat (col.1 lines 54-60, a capacity planning system provides the customer with the sizing requirements for multiprocessor i.e. server farms).

(a2) establishing on a Windows screen, the total number of users to be located at each of said sites and the concurrent number of users at any given period of time, see Bhat (col.4 lines 31-43, number of users);

(a3) establishing on a Windows screen, the User-Types involved at each site, which enumerates the number of the various types of specific Users involved, see Bhat (col.4 lines 40-42 usage service time per user).

(a4) establishing on a Windows screen, the application program types that will be used by each of the User-Types, see Bhat (see col.1 lines 44-47, understanding the requirements of the customer's application and performance of the application system.).

(a5) establishing on a Windows screen, the relationship between User-types and Application program types to specify the number of concurrent User-type Users for each Application type, see Bhat (col.3 lines 6-14, the customer inputs the number of user and the sizing requirements).

As per claim 3, Bhat teaches a method of claim 1 which includes the factor of (viii) defining the default level of availability which specifies the maximum level of predicted downtime for each server farm (see col.3 lines 17-25, the mathematical model takes into account the down time of the system); (ix) establishing a desired availability level for each server farm to indicate the percentage of time that the client expects the

systems and applications in the server farm to be accessibly by all the users (col.3 line 63-col.4 line 3, percentage of tie usage is identified and a suggestion is made to add additional components if needed to accommodate the users requirements); (x) the minimum amount of disk capacity that will be required to support each server farm (see col.4 lines 17-19, disk space utilization); (xi) the minimum amount of memory needed to support each server farm (see col.1 lines 61-65, amount of memory required is recommended to the user); (xii) the network utilization capacity to handle network activity in kilobites-per-second for each server farm (see col.6 lines 17-20); (xiii) the possible need for added optional software for work enhancements (see col.3 line 66-col.4 lines 3, overload by the customer is identified and a suggestion is made to add additional components to eliminate the bottlenecks); and (xiv) the amount of disk capacity that will be required to support each server farm (see col.4 lines 17-19, disk space utilization), wherein step (b) includes the steps of:

(bl) establishing on a Windows screen, the default level of availability for the Server Farm and the supporting modules, see Bhat (col.2 lines 44-52, an interactive computer implemented to that is fast and easy for the user to input his sizing requirements for his system).

(b2) providing an interactive Availability Calculator to determine the desires or future Availability Level of the Server Farm, see Bhat (col.3 lines 25-30, upon receiving inputs the mathematical models performs the appropriate calculations provides the user with a recommendation).

(b3) determining whether optional software, including MetaFrame, Load Balancing Software, and ICA Secure Software, will be required for the configuration, see Bhat (col.3 lines 5056, the mathematical model uses resource requirements and configuration capabilities to determine a solution).

(b4) determining the minimum amount of disk capacity required, the minimum amount of memory required, and the network utilization capacity for the server Farm configuration, see Bhat (col.6 lines 17-24, network and disk capacity utilization, also see col.1 lines 62-67, for memory requirement).

(b5) determining a base Server Farm configuration which involves a specific number of Servers, which is based on an adjusted number of Users of the Server Farm, see Bhat (col.1 lines 55-67, capacity planning system for multiprocessor computer system i.e. server farm, which is a sizing tol for the customer).

(b6) generating and displaying Windows or printed reports which indicate the optimum base server configuration which will also indicate the server availability, the optional software, the network utilization, the disk capacity, and any required licenses, see Bhat (see col.5 line 62-col.6 line 24, a detailed report is generated which includes the recommendation to the user).

As per claim 4, Bhat teaches a system for developing a customer profile which indicates the various capabilities and requirements of the customer to be used as input for generating a optimized configuration report, and wherein certain factors are developed which include: (i) customers' site locations for server farms as indicated by a location address; (ii) the types of users which indicates their workload activity and the

number of users for each server farm (see col.1 lines 60-67, the capacity planning system specifies to the user the number of users and the activity level); (iii) the types of application programs used by each of the users in each server farm (see col.3 line 65-col.4 line 3); (iv) establishing the level of expected availability for each server to estimate the maximum period of downtime predicted (see col.3 lines 17-25, the mathematical model takes into account the down time of the system); (v) setting a figure for the maximum allowable number of user for each server (see col4 lines 45-50 "calculation of the total amount of disk space ... the size of disk drivers" calculates the number of disk drives and processors to accommodate the users sizing requirements); (vi) establishing the number of concurrent number of users for each server on an average basis (see col.4, lines 31-43, number of users is calculated); (vii) establishing a benchmark value to indicate the number of users that the server systems will support; (viii) means to establish the optimum server farm configuration to suit the needs of a specific customer (see col.3 lines 1-6, "accepts information regarding the customer's application, ... suggests an optimum configuration of a multiprocessor computer system as a solution"), said system comprising:

(a) A plurality of window screens which can be displayed on a personal computer for inputting a series of parameters, which develop a customer profile, see Bhat (col.4 lines 14-30, and figure 2, shows the plurality of blocks i.e. window screen, needed to interact with customer).

(b) Windows screens for developing the customer's site locations for his terminal servers, and for inputting the types of users and the number of users that will be using

the Server Farm, and for inputting the application program types to be used by each of the users of the Server Farm, see Bhat (col.3 lines 1-5, the customer inputs the sizing requirements).

(c) Auxiliary Windows screens for inputting the level of availability expected from the Server, the maximum number of users for each Server, and the concurrent number of users for each server plus the use of various benchmark and network utilization parameters, see Bhat (col.4 lines 14-20).

(d) Algorithmic means for calculating and displaying the optimum server configuration suitable for fitting the customer's profile, see Bhat (col.3 lines 25-30, a mathematical model is used to perform a set of calculations based on the users inputs i.e. algorithm means to calculate the optimum server).

As per claim 5, Bhat teaches a system for collecting and storing customer profile information on a plurality of database information-holding means and utilizing said information via an algorithmic optimization method for providing an optimum set of configurations for a Server Farm most suitable to a customer-user, comprising:

(a) Customer-client-user profile development means, see Bhat (col.4 lines 14-20, the system prompts the user to enter his specifications).

(b) Database information holding means, see Bhat (col.2 lines 40-44, the system comprises a database working under the control of an operating system).

(c) Program means for accessing said customer- client-user profile development means and said database information holding means to develop an optimized Server

Farm configuration for a specific customer, see Bhat (col2 lines 40-44, includes a computer program for accessing customer-client profile).

As per claim 6, Bhat teaches a system involving an information collection process for designing, configuring and optimizing a Server Farm for a customer's Enterprise system comprising:

(a) A server information database means for holding benchmarks and informational data on a plurality of servers to be utilized, see Bhat (col.2 lines 40-44, the system comprises a database working under the control of an operating system, also col.3 lines 19-21).

(b) A sizing database means for holding User-type and Application-type attributes, see Bhat (col.2 lines 40-44, the system comprises a database working under the control of an operating system, also col.3 lines 19-21).

(c) A configuration database template means for storing information collected from window screens used in the information collection process, see Bhat (col.2 lines 40-44, the system comprises a database working under the control of an operating system, also col.3 lines 19-21).

(d) A configuration session database means for providing information to an Application Delivery Solution Configurator to enable algorithmic steps to be implemented for developing an optimized server farm configuration for meeting a customer's requirements, see Bhat (col.3 lines 19-25, shows a databases and a mathematical model to calculate and provide a recommendation for the customer);

(e) Application Delivery Solution Configurator means which provide programmatic methods for accessing information from said server information database means, from said sizing database means, from said configuration database template means, and from said configuration session database means (col2 lines 40-44, includes a computer program for accessing customer-client profile), for application to a sequence of algorithmic steps which will provide a series of output reports which will indicate optimum Server Farm configurations, said Application Delivery Solution Configurator means also including input information developed from customer-client-user profile information, see Bhat (see col.5 lines 62-67, where a detailed output report provides the recommended model of the server configuration i.e. recommending the optimum server configuration for the customer);

(f) Information means developed from customer client-user communication and that of a system designer, which can then be input to said Application Delivery Solution Configurator means, see Bhat (col.4 lines 14-20 the system prompts the user to enter his sizing requirements).

Response to Amendment

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bixler et al. Patent No. (6,212,59) automated comfiguration of internet-like computer network.
- Shah et al. Patent No. (6,041,325) system and method for controlling access to a telephony database.
- Sondur et al. Patent No. (6,457,048) system for representing device topology in a computer network operable independent of network management.
- Day et al. Pub. No. US 2002/0095487 A1, system for registering, locating, and identifying network equipment.

- Gullotta et al. Pub. No. US 2002/0156904 A1, system and method for provisioning resources to users based on roles, organizational information, attributes and third-party information or authorization.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (571) 272-3785. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
April 16, 2005

JEAN R. HOMERE
PRIMARY EXAMINER